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Paper No. 9

In re Application of
Dennis A. Beam, III
Application No. 09/821,904
Filed: March 30, 2001
Attorney Docket No. 47923.255072

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: DECISION ON PETITION
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This is a decision on the petition filed on February 3, 2004 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure as a result of petitioner's failure to file a reply to the Office letter dated March 19, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that this application is not abandoned because petitioner did not receive the Office letter in question. Petitioners have made a showing pursuant to the Notice published at 1156 OG 53, as discussed in MPEP § 711.03(c), in order to establish nonreceipt of the Office letter in question.

Petitioners' showing of nonreceipt of the Office letter mailed March 19, 2003 is accepted. Therefore, due to the nonreceipt of the that Office letter, the application is not considered to have been abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner to:

1. Change the correspondence address of record in accordance with the change of correspondence address that was filed on January 21, 2003, a copy of which is attached to the petition; and to thereafter
2. Remail paper No. 7 to the correct correspondence address as reproduced below.

The application will be then be forwarded to the Technology Center 3700 Central Files pending a reply to the remailed Office letter. The period for filing a reply to the remailed Office letter will run THREE MONTHS from the date of remailing, and may be extended pursuant to 37 CFR 1.136(a). In no case can the period for filing a reply be extended to run more than a total of six months from the date of remailing. See 35 USC § 133.

PETITION GRANTED.

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